

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION
Case Number: 1:08-CV-0854

DUKE UNIVERSITY AND DUKE)
UNIVERSITY HEALTH SYSTEM,)
INC.,)
Plaintiff,)
v.) MOTION TO EXTEND TIME
NATIONAL UNION FIRE) TO ANSWER COMPLAINT
INSURANCE CO.,)
Defendant.)

Defendant National Union Fire Insurance Co., by and through undersigned counsel, hereby moves the Court for an order, pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 6.1, for an extension of time in which to file and serve an Answer to the Plaintiffs' Complaint. In support of this motion, Defendant shows the Court the following:

1. On November 25, 2008, Plaintiffs filed their Complaint and issued a Summons to Defendant.
2. Defendant was served by and through the North Carolina Commissioner of Insurance on December 25, 2008, and a copy of the summons was forwarded to Defendant on December 1, 2008.
3. The current deadline for Defendant to respond to Plaintiff's Complaint is December 27, 2008, pursuant to G.S. § 58-16-45, and as such, the time for filing and serving an Answer to the Plaintiffs' Complaint has not yet expired.

4. Counsel for the Defendant needs additional time to prepare and file an answer.

5. Counsel for Defendant has consulted with Plaintiffs' counsel regarding an extension of time up to and including January 16, 2009 in which to file and serve an Answer to the Plaintiffs' Complaint.

6. Counsel for the Plaintiffs fully agrees and consents to an extension of time to respond to the Plaintiff's Complaint until January 16, 2009 and agrees that neither party will be prejudiced by this motion being granted.

7. The parties agree to extend the time for Defendant to answer Plaintiff's Complaint until January 16, 2009.

WHEREFORE, Defendant respectfully prays the Court that:

1. Defendants have an extension of time through January 16, 2009 in which to file its Answer to the Plaintiffs' Complaint; and

2. Defendants have such other and further relief as the Court shall deem just and proper.

This the 11th day of December, 2008.

BAILEY & DIXON, LLP

By:/s/ David S. Coats

David S. Coats(dcoats@bdixon.com)

N.C. State Bar No.: 16162

Attorneys for Defendant

Post Office Box 1351

Raleigh, North Carolina 27602

Telephone: (919) 828-0731

Facsimile: (919) 828-6592

CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of December, 2008, I electronically filed the foregoing Consent Order with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Gregg E. McDougal
Betsy Cooke
Kilpatrick Stockton, LLP
3737 Glenwood Ave, Suite 400
Raleigh, NC 27612
gmcdougal@kilpatrickstockton.com
bcooke@kilpatrickstockton.com

Jerold Oshinsky
Jonathan M. Cohen
Ariel Shapiro
1100 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Oshinskyj@gotofirm.com
cohenj@gotofirm.com
shapiroa@gotofirm.com

This the 11th day of December, 2008.

/s/ David S. Coats

David S. Coats